

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

**COMPLAINANTS' RESPONSE TO RESPONDENTS' SUR-REPLY TO
COMPLAINANTS' MOTION FOR LEAVE TO INTERPOSE A SUR-REPLY**

Pursuant to Rules 69 and 71 of the Federal Maritime Commission's (the "Commission") Rules of Practice and Procedure (46 C.F.R. 502 *et seq.*), Complainants, through their Counsel, Marcus A. Nussbaum, Esq. respectfully submit this Response To Respondents' Sur-Reply To Complainants' Motion For Leave To Interpose a Sur-Reply.

In the first instance, and despite Mr. Jeffrey's continuing delusions to the contrary which are becoming of increasing concern with regard to his own mental stability, the entirety of complainants' filings, correspondence, and all other communications and documents in this matter were and have been written, executed, and authored *solely* and *exclusively* by Marcus A.

Nussbaum, Esq. While the basis for Mr. Jeffrey's obsessive compulsion with Mr. Katz remains unclear, suffice it to say that said obsession merits no further response or comment other than to state that complainants did not understand Mr. Jeffrey to be clairvoyant, in that he is barely coherent.

Second, and despite burdening the Presiding Officer and complainants' counsel with six (6) pages of what can only be characterized as nonsensical drivel, not one iota of said gibberish is *remotely* directed toward the relief originally requested, to wit: leave to file a sur-reply on respondents' Motion for Judgment on the Pleadings. Accordingly, Mr. Jeffrey's latest incoherent rant should be rejected in its entirety and accorded *no consideration whatsoever* by the Presiding Officer.

It is noted that while Mr. Jeffrey continues to attempt to castigate complainants' counsel for alleged violations of the Rules of Practice and Procedure of the Commission, he continues to violate said rules with impunity, inclusive of the latest of Mr. Jeffrey's unauthorized filings, *none of which* were made pursuant to leave of the Presiding Officer in an epic example of "the pot calling the kettle black". Ancillary to the foregoing, is Mr. Jeffrey's edict that "two wrongs don't make a right", a homily which Mr. Jeffrey blithely and disingenuously ignores.

As to any reference to "barnyard animals" (and with all due apologies to the jackass), it is respectfully submitted that said reference is entirely appropriate in light of the behavior, conduct, manner, and methods of practice (if they can be fairly be called such) of Mr. Jeffrey which are and have been animalistic. Alternatively stated, "if the shoe fits, wear it".

In a further demonstration of the psychological phenomenon known as "projection", Mr. Jeffrey points out that one party's not following the rules is no excuse for another party not following the rules, to which complainants respond, "exactly so".

To the extent that the majority (if not the entirety) of Mr. Jeffrey's latest submission is nought but a redundant, repetitive, and *ad nauseum* regurgitation of insults, personal invective, irrelevant asides, and other verbal diarrhea set forth in peristaltic contractions previously made, complainants' counsel will not further burden the Presiding Officer by simply repeating complainants' rejoinders to same as has Mr. Jeffrey; rather, the Presiding Officer is respectfully referred to complainants' previous submissions which adequately address the latter.

To the extent that Mr. Jeffrey's entire litany of submissions docketed since the filing of complainants' Motion for Leave to File a Sur-Reply *have not provided a scintilla* of substantive argument as to why leave to file a sur-reply should not be granted, said submissions are abundantly exposed as nothing but an infantile exercise to "have the last word".

Additionally, and in a separate submission pertaining to a separate motion in this matter, Mr. Jeffrey continues to attempt to argue that complainants' Motion for Leave to File a Sur-Reply is somehow "untimely", yet abjectly fails to provide and conspicuously omits *a single reference or citation to any* Rule, case, or other authority other than "the law according to Jeffrey" which complainants do not understand to be controlling in this venue, or any other tribunal or Court of law.

Indeed, with each improper submission, Mr. Jeffrey's "arguments" become of increasingly less substance (to the extent that any such substance existed to begin with) while increasing in personal invective, insults, ad hominem attacks, and other opprobrium within which Mr. Jeffrey only achieves covering himself with dishonor, disrespect, and disrepute.

To the extent that Mr. Jeffrey is now *making the same arguments in multiple motions*, complainants are constrained to again state that complainants' counsel will not dignify by response Mr. Jeffrey's continuing, wild-eyed, reckless, baseless, and grossly irrelevant accusations

regarding complainants' counsels' personal activities other than to note Mr. Jeffrey's own undeniable deceit, lies, and false representations as to his own personal activities, and alleged unavailability previously addressed to the Presiding Officer, under separate cover, which neither require nor merit any further discussion herein apart from that previously set forth.

As to Mr. Jeffrey's repeated reference, again separately set forth in a separate motion now pending before the Presiding Officer and regarding complainants having allegedly had "ample opportunity" to make argument on the relief now requested, and as Mr. Jeffrey has repeated his prior arguments, complainants respectfully submit the following:

"As to Mr. Jeffrey's bombastic pronouncement that complainants "...had ample opportunity to address these matters", aside from its insufferable pomposity we note, that despite obvious delusions to the contrary, Mr. Jeffrey neither wears the robe nor bears the mantle of the Presiding Officer in this matter within whose province this issue properly resides. Indeed, it is up to the Presiding Officer to decide whether leave for the filing of a sur-reply should be granted, and not Mr. Jeffrey." (See, Complainants' Reply to Respondents' Response to Complainants' Motion for Leave to File a Sur-Reply at p.2)

As to Mr. Jeffrey's *blatant lies* about not knowing non-party Kapustin, such lies are unmasked and entirely belied in that Mr. Jeffrey is clearly the author and ghost writer of Kapustin's submissions, and is equally clearly "funneling" all information regarding the case, inclusive of providing Kapustin with copies of all filings, abundantly evidenced by the fact that as a non-party to this action who is *not* registered in this litigation, has *no other access* to said documents but for their having been provided by Mr. Jeffrey, who has now crossed the line from bald faced lies to blatantly perjurious statements contained within formal filings to the Commission.

As to Mr. Jeffrey's bizarre reference to a Gilbert and Sullivan production, aside from raising serious concern over Mr. Jeffrey's competency to represent his clients in this matter (and indeed to practice law) in point-of-fact, it appears that it is Mr. Jeffrey who thinks that Ms. Temkin (an attorney in good standing within the jurisdiction in which she practices, whom Mr. Jeffrey

does not know from a burnt biscuit or a hole in the ground), is to be viewed as the proverbial serpent inducing Eve to take a bite from the apple, the utter and complete preposterousness of which defies rejoinder.

Finally, and in a true act of desperation akin to a drowning man flailing for a piece of floating driftwood, Mr. Jeffrey has seriously sought to oppose complainants' request for leave to file a sur-reply on a Motion for Judgment on the Pleadings by latching onto a decision from the Honorable Judge Dora Lizette Irizarry emanating from a matter bearing no semblance, nexus, connection, nor relevance to either the motion at bar or any issue in this case. Consequently, said reference neither merits nor requires any response thereto other than to note that by denigrating his own "representation" (in its loosest definition) of his client by resorting to such desperate measures, Mr. Jeffrey has succeeded only in revealing the total lack of any credible defense to complainants' instant claims, and has evinced a consciousness of the lack of same, including the abject failure to interpose any substantive opposition to complainants' instant motion. Having abjectly failed to do so, it is respectfully submitted that complainants' motion should now be granted.

In conclusion, while there is certainly further rejoinder that could be made to Mr. Jeffrey's latest submission, complainants will truncate any such further rejoinder in that complainants will surely and imminently receive a further subsequent, pointless, and irrelevant submission from Mr. Jeffrey which similarly fails to constitute any opposition sufficient to warrant denial of complainants' motion which should now be granted in its entirety.

WHEREFORE, and based upon the arguments set forth above together with those contained in complainants' prior submissions, the Presiding Officer is respectfully urged to grant complainants leave to interpose a sur-reply to respondents' Motion for Judgment on the Pleadings,

together with such other and further relief as the Presiding Officer may deem just and proper under the circumstances.

Dated: September 1, 2016
Brooklyn, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Marcus A. Nussbaum', written over a horizontal line.

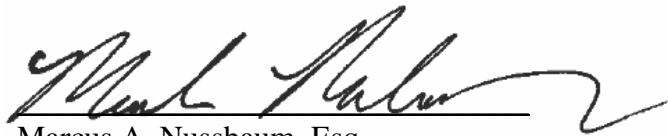
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **COMPLAINANTS' RESPONSE TO RESPONDENTS' SUR-REPLY TO COMPLAINANTS' MOTION FOR LEAVE TO INTERPOSE A SUR-REPLY** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by first class mail, postage prepaid, and by email (ejeffrey@nixonpeabody.com).

A handwritten signature in black ink, appearing to read 'Marcus A. Nussbaum', is written over a horizontal line.

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Dated: September 1, 2016 in Brooklyn, New York.